

**Introduced by Senator Simitian**

February 10, 2005

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An act to amend Section 11465.5 of the Welfare and Institutions Code, relating to public social services.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 202, as introduced, Simitian. Long-term kinship care.

Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which payments are made on behalf of low-income children placed in foster care, including certain qualified placements with relatives.

Existing law also provides for the California Work Opportunity and Responsibility to Kids (CalWORKs) program, under which each county provides cash assistance and other benefits to qualified low-income families. Payment rates under this program are lower than that provided for under the AFDC-FC program.

Existing law requires the State Department of Social Services, if federal approval is obtained, and if counties agree to participate, to establish 5-year pilot projects in specified counties and in any other county that submits a plan and secures approval of the department in accordance with certain criteria. The projects involve only specified dependents of the court who are placed with relatives and who are receiving federal AFDC-FC payments.

This bill would authorize any other county to elect to participate in conducting a pilot project without requiring that the county submit a plan and secure the approval of the department.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 11465.5 of the Welfare and Institutions Code is amended to read:

11465.5. (a) The department shall conduct five-year pilot projects in Alameda County, Contra Costa County, Sacramento County, Solano County, Tulare County, and Yuba County, at the option of each county, and any ~~additional counties that submit a plan and secure approval by the department in accordance with objective selection criteria that shall be established by the department and any evaluation contractor utilized under subdivision (e)~~ other county that elects to participate in conducting a pilot project under this section. The department shall not be required to conduct any pilot projects under this section if no county elects to participate.

(b) The Legislature finds and declares that this program will enhance family preservation and stability by recognizing that many children are in long-term, stable placements with relatives, that these placements are the permanent plan for the child, that dependencies can be dismissed pursuant to Section 388 with custody or guardianship to the relative caretaker, and that there is no need for continued government intervention in the family life through ongoing, scheduled court and social services supervision of the placement.

(c) Participation by a relative in a pilot project shall be voluntary, and the county shall nominate cases for participation. The county and a relative shall execute a long-term kinship care agreement, to be developed by the department, which specifies the details of this arrangement.

(d) Each pilot project shall, at a minimum, ensure all of the following:

(1) Only a child who is a dependent of the court, who has been in a stable placement with a relative for not less than one year after the initial permanency planning hearing placing the child with that relative, and who is receiving federal AFDC-FC payments shall be eligible under this section.

(2) Each participating child's AFDC-FC and Medi-Cal eligibility is maintained, in order to adequately support the long-term placement.

1 (3) A child participating in a pilot project shall continue to  
2 receive the basic foster care payment rate in accordance with  
3 Section 11461.

4 (4) The eligible cases shall be dismissed pursuant to Section  
5 388, with custody or guardianship to be given to the relative  
6 caretaker.

7 (5) A relative shall have adequate legal protection and consent  
8 authority.

9 (e) The department and the pilot counties, or an entity  
10 contracting with the department and the pilot counties, shall  
11 conduct an evaluation of the pilot projects. The evaluation shall  
12 include outcome measures that address the quality of care  
13 provided to participating children and the overall  
14 cost-effectiveness of the projects for participating counties and  
15 the state. The pilot project shall be deemed a success if at least 75  
16 percent of the children participating achieve permanent  
17 placement through either adoption by a relative or legal  
18 guardianship by a relative. The results of the evaluation shall be  
19 provided to the Legislature and the Governor three years after the  
20 date of implementation of the pilot projects.

21 (f) Any savings that accrue to the department as a result of this  
22 section shall revert to the General Fund. Savings that accrue to a  
23 participating county shall, however, accrue to that county's social  
24 services subaccount in its local health and welfare trust fund.

25 (g) This section shall become operative only if the director  
26 executes a declaration, that shall be retained by the director,  
27 stating that the necessary federal approval for implementation of  
28 this section has been obtained, and only for the duration of that  
29 approval.